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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/751,265
Filing Date: December 29, 2000
Appellant(s): SHARMA, DUSHYANT

Kevin L. Wingate
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 June 2007 appealing from the Office action mailed 27 December 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,578,015	Haseltine et al.	6-2003
6,421,061	Kamen et al.	7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Haseltine et al (US 6578015) (“Haseltine”).

Re claim 1: Haseltine teaches an electronic bill presentment and payment system, comprising: a database capable of storing data relating to a plurality of bills sourced from a plurality of billers, and corresponding to a plurality of consumers (col. 3, lines 1-18; col. 4, lines 53-61); a bill data processor coupled to said database, said bill data processor being capable of converting data received from said plurality of billers into a format compatible with said database (abstract; col. 3, lines 1-18; col. 11, lines 34-39); a bill report processor coupled to said database, said bill report processor being capable of allowing at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database (col. 12, lines 22-26; col. 6, lines 11-24); a bill security element which prohibits access to said database by any entity not having encrypted access to said database (col.

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4, lines 57-67; col. 6, lines 7-10; col. 13, lines 15-22); and a portal interface element coupled to said database, said portal interface element being capable of supporting a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being supported by a web portal or bill presentment and payment website different from other of said visual interfaces, each of said visual interfaces allowing a consumer to review and pay said consumer's bills and thereby change information in said database only if said consumer has been authorized access to said database by a credit verifier (col. 9, lines 52-60; col. 10 lines 44-65; col. 11, lines 31-47).

Re claim 2: Haseltine teaches a bill payment processor capable of communicating with a plurality of financial institutions in order to couple said financial institutions to said database in order to facilitate payment of bills (col. 11, lines 31-53).

Re claim 3: Haseltine teaches a bill payment processor capable of communicating with a plurality of payment facilitators in order to couple said payment facilitators to said database in order to facilitate payment of bills (col. 11, lines 47-53).

Re claim 4: Haseltine teaches wherein said bill security element is adapted to utilize a third party credit verifier as said credit verifier (col.11, lines 31-46; col. 5, lines 37-49; col. 4, lines 57-67, col. 6, lines 7-10).

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Re claim 5: Haseltine teaches wherein said portal interface element is adapted to employ HTML transmissions (col. 5, lines 15-16).

Re claim 6: Haseltine teaches wherein said portal interface element is adapted to employ XML transmissions (col. 5, lines 28-30).

Re claim 7: Haseltine teaches wherein each said consumer is authorized access to said database by a credit verifier during a particular consumer session on said visual interface only after an interactive session between said electronic bill presentment and payment system and said credit verifier which occurs during said consumer session (col. 11, lines 31-46; col. 5, lines 37-49; col. 4, lines 57-67, col. 6, lines 7-10).

Re claim 8: Haseltine teaches an electronic bill presentment and payment system, comprising: a database capable of storing data relating to a plurality of bills sourced from a plurality of billers, and corresponding to a plurality of consumers (col. 3, lines 1-18; col. 4, lines 53-61); a bill data processor coupled to said database, said bill data processor being capable of converting data received from said plurality of billers into a format compatible with said database (abstract; col. 3, lines 1-18; col. 11, lines 34-39); a bill report processor coupled to said database, said bill report processor being capable of allowing at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database (col. 12, lines 22-26; col. 6, lines 11-24); a bill security element which prohibits access to said database by any entity not having encrypted access to said database (col.

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4, lines 57-67; col. 6, lines 7-10; col. 13, lines 15-22); and a portal interface element coupled to said database, said portal interface element being capable of supporting a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being supported by a web portal or bill presentment and payment website different from other of said visual interfaces, wherein said portal interface element is adapted to prompt said consumer, via said visual interface, for logon information and to receive from the consumer, via said visual interface, logon information which is used to initiate an interactive session via said bill security element with a credit card verifier to obtain authorization for said database, whereupon if authorization from said credit verifier is received from said credit verifier, said portal interface element is adapted to allow said consumer to access information in said database in order to pay bills (col. 9, lines 52-60; col. 10 lines 44-65; col. 11, lines 31-47).

Re claim 9: Haseltine teaches wherein said consumer may use any one of a plurality of different ones of said visual interfaces to receive and pay bills (col. 11, lines 31-47).

Re claim 10: Haseltine teaches wherein said portal interface element is adapted to allow said consumer to use said visual interface on its associated website to review and pay a plurality of bills from a plurality of billers (col. 11, lines 31-47).

Re claim 11: Haseltine teaches wherein said bill report processor is adapted to allow said consumer to use one of said visual interfaces on a website to inquire online about the status of at

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least one bill, said inquiry being conveyed by said system to the particular biller (col. 6, lines 11-24).

Re claim 12: Haseltine teaches wherein said bill data processor is adapted to allow said system to establish an interactive session between said consumer and the particular biller (col. 6, lines 22-29).

Re claim 13: Haseltine teaches wherein said bill payment processor is adapted to allow said consumer to pay bills using a credit card (col. 9, lines 29-30).

Re claim 14: Haseltine teaches wherein said bill report processor is adapted to allow said consumer to receive reports from said system (col. 3, lines 39-44).

Re claim 15: Haseltine teaches wherein said bill report processor is adapted to allow said system to automatically notify a biller when a consumer has paid a bill (col. 3, lines 46-52; col. 12, lines 37-40).

Re claim 16: Haseltine teaches wherein said bill data processor is adapted to allow a biller to modify, online, the format in which a bill is presented to said consumer on said visual interface (col. 8, lines 54-57col. 9, lines 35-44).

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Re claim 18: Haseltine teaches wherein said bill report processor is adapted to allow said consumer to select for review bills coming due on a certain date (col. 16, lines 23-27).

Re claim 19: Haseltine teaches wherein said bill report processor is adapted to allow said consumer to select for review bills overdue (col. 7, lines 55-58; col. 8, lines 8-18).

Re claim 20: Haseltine teaches wherein said portal interface element is adapted to allow said consumer to pay bills from a plurality of different visual interfaces, each on a different site (col. 2, lines 38-43; col.10, lines 44-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haseltine in view of Kamen et al (US 6421067) ("Kamen").

Re claim 17: Haseltine does not explicitly teach wherein said portal interface element is adapted to allow said consumer to modify, online, the format in which a bill is presented to said consumer on said visual interface. Kamen teaches wherein said portal interface element is adapted to allow said consumer to modify, online, the format in which information is presented to said consumer on a visual interface (col. 13, lines 26-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haseltine to include this step as taught by Kamen. One would have been motivated to do so in order to allow the user adjust the font size according to user's visual capability and/or discretion.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

A. Rejection of claims 1-16 and 18-20 under 35 U.S.C. § 102(e) as being anticipated by Haseltine.

1. Regarding independent claims 1 (representing claims 1-3 and 5) and 8 (representing claims 8-10 and 13-16), Appellant asserts that Haseltine fails to anticipate the claims because Haseltine does not teach (a) a bill report processor coupled to said database, said bill report processor being *capable of* allowing at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database (see Appeal Brief, page 7); and (b) a portal interface element coupled to said

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database, said portal interface element being *capable of* supporting a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being supported by a web portal or bill presentment and payment website different from other of said visual interfaces, each of said visual interfaces allowing a consumer to review and pay said consumer's bills and thereby change information in said database only if said consumer has been authorized access to said database by a credit verifier (see Appeal Brief , pages 7-11).

In Response to (a) and (b): Regarding independent claims 1 and 8, Appellant's arguments that Haseltine does not teach a bill report processor and a portal element couple to a database are not persuasive. Examiner will like to first direct The Board to the language of claims 1 and 8. Claims 1 and 8 recite, "a bill report processor being *capable of*...." and "a portal interface element coupled to said database, said portal interface element being *capable of*..." Examiner asserts that Haseltine explicitly teach a bill report processor (see col. 12, lines 22-26) and a portal interface element coupled to said database (see col. 9, lines 52-60). Examiner notes that the fact that these elements (the bill report processor and the portal interface element) are capable of performing specific functions does not mean that they actually perform the functions as recited in the claims. The functions recited in the claim are not positive limitations but only requires the elements to be able to perform the functions. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

For these reasons, Appellant's argument that Haseltine fails to disclose a bill report processor and a portal interface element is not persuasive. Therefore claims 1 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Haseltine.

Claims 2-3, 5, 9-10 and 13-16 remain rejected as previously stated and stand or fall with their independent claims.

The Examiner now addresses the arguments raised by the Appellant with respect to the dependent claims.

Regarding claims 4 and 7, Appellant argues that Haseltine fails to teach a bill security element *adapted to* utilize a third party credit verifier as said credit verifier. Specifically in claim 7, appellant argues that Haseltine fails to teach credit verifier. Again, Examiner respectfully disagrees. Haseltine explicitly teach a bill security element (see col. 6, lines 7-10 and col. 13, lines 15-22). The functional limitation in claim 4 is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore these claims are rejected on the same rationale as discussed in claims 1 and 8 above.

Regarding claim 6, Appellant argues that Haseltine fails to teach portal interface element *adapted to* employ XML transmission. Again, Examiner respectfully disagrees. Haseltine explicitly teach a portal interface element (col. 9, lines 52-60; col. 10 lines 44-65; col. 11, lines 31-47; col. 5, lines 28-30). The functional limitation in this claim is not a positive limitation and

is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

Regarding claim 11, Appellant argues that Haseltine fails to “bill report processor is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a bill report processor (see col. 12, lines 22-26). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

Regarding claim 12, Appellant argues that Haseltine fails to “bill data processor is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a bill data processor (abstract; col. 3, lines 1-18; col. 11, lines 34-39). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

Regarding claim 18, Appellant argues that Haseltine fails to “bill report processor is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a bill report processor (see col. 12, lines 22-26). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

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Regarding claim 19, Appellant argues that Haseltine fails to “bill report processor is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a bill report processor (see col. 12, lines 22-26). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

Regarding claim 20, Appellant argues that Haseltine fails to “portal interface element is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a portal interface element (see col. 9, lines 52-60). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above.

B. Rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over

Haseltine in view of Kamen.

Regarding dependent claim 17, Appellant argues that Haseltine fails to “portal interface element is *adapted to...*”. Again, Examiner respectfully disagrees. Haseltine explicitly teach a portal interface element (see col. 9, lines 52-60). The functional limitation in this claim is not a positive limitation and is therefore treated as intended use of the claimed element. Therefore this claim is rejected on the same rationale as discussed in claims 1 and 8 above. Furthermore, Kamen teaches modifying formats of information to be displayed (see col. 13, lines 25-26).

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Also Appellant asserts that there is no suggestion to combine the references, however, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in knowledge generally available to one of ordinary skill in the art.

Note: Examiner would like to point out that no claim was rejected under 35 U.S.C 102 (b) and 112, second paragraph as alleged by Appellant (Appeal Brief, page 17).


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Olabode Akintola
29 August 2007

Conferees:
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Primary Examiner, Art Unit 3691



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